

U.S.S.N. 10/718,426

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PD-200300A (BOE 0463 PA)

IN THE DRAWINGS:

Please substitute the two (2) sheets of drawings submitted herewith containing Figures 1, 2, 3, 4a and 4b in place of the originally-filed drawing sheets containing the same Figures.

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REMARKS

Paragraphs 4(C) and (E) of the Notice of Non-Compliant Amendment states "Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified." and "Other: Newly submitted depend claims 15-22 are not same claims as originally filed and not related with this application." Applicants have corrected this error and have submitted herewith the entire "Amendments to the Claims" section of Applicants' previously submitted amendment which now includes all text of all claims. Applicants further want to thank the Examiner for bringing this oversight to the Applicants. Applicants have also submitted the other two amended sections (Drawings and Specification) previously submitted so as to make this Amendment complete in responding to the Notice of Non-Compliant Amendment. Reconsideration by the Examiner of all issues contained herein is now requested.

Claims 1-8 and 23-26 are currently pending in the above application. Claims 27 and 28 are added by the foregoing amendment.

The drawings stand rejected under 37 C.F.R. 1.83(a) as not showing every feature of the invention specified in the claims. Specifically, the Examiner notes that resistor and diodes from claims 1, 5 and 23 are not shown and further that a second device in claim 5 is not shown. Applicants have revised Figures 1 and 2 and added further description in paragraph [0027] of the specification to include specific reference to the transistor, resistors and diodes of claims 1, 5 and 23. As these terms are a portion of the originally filed claims, the specific calling out of these structures in the drawings and specification does not constitute new matter. Further, Applicants have also modified Figures 1 and 2 to show the formation of more than one device as per claim 5. Applicants have also added reference numeral 60 to Figure 3, which is described in paragraph [0037] of the originally filed specification. Reconsideration of the drawings is respectfully requested.

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Claims 1-8 and 23-26 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants respectfully traverse the Examiner's rejection. However, in an effort to move this case towards allowance, Applicants have amended claims 1, 5 and 23 to more clearly specify the proposed arrangement of layers and electrical contacts used to form the various devices. Reconsideration of claims 1-8 and 23-26 is thus respectfully requested.

Claims 1-4, 6-8 and 23-26 stand rejected under 35 U.S.C. 102(a) as being anticipated by Ermer et al. (U.S. Patent No. 6,380,601). Applicants respectfully traverse the Examiner's rejection.

Ermer discloses a multi-junction solar cell having a germanium substrate, a nucleation layer, at least one layer of group III-V layers, and respective electrical contacts. The Ermer reference is specifically limited to a solar cell device, and does not disclose a transistor device, a resistor, or a diode, as is required in independent claims 1 and 23. Moreover, the Ermer reference does not teach a second device formed as in claim 5 that is either a transistor, resistor or diode. Thus, because Ermer does not teach each and every element of independent claims 1 and 23, the reference does not anticipate the claims of present invention. As such, claims 1-8 and 23-26 are allowable over Ermer et al. Reconsideration of claims 1-8 and 23-26 is respectfully requested.

In addition, Applicants note that claim 5 is not rejected as being anticipated by Ermer. Thus, by correcting the Section 112 indefiniteness issue as described above, Applicants have presumably made claim 5 allowable even if the rejection to claim 1 is not overcome. Further reconsideration of claim 5 is thus respectfully requested.

Applicants have added claims 27 and 28 by the foregoing amendment, which claim electrically coupling the electrical contact of the germanium substrate to an electrical contact on the epitaxial layers to form an optoelectronic integrated circuit. Support for

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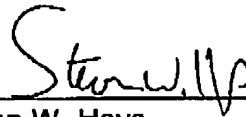
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these claims is shown in paragraphs [0032-0037]. Consideration of claims 27 and 28 is thus respectfully requested.

In view of the foregoing amendments and remarks, Applicant submits that claims 1-8 and 23-28 are in proper form and allowable over the cited prior art. The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 223-9500 if any unresolved matters remain.

Respectfully submitted,

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